

Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-4 (Residential) zone.

This would allow the enclosure of a 13' by 10' porch, of which a 13' by 3' portion is proposed to encroach into the rear yard setback and to be located to within 16 feet of the rear property line.

The required front and rear yard cumulative total setback is 45 feet in the R-4 zone district.

**BACKGROUND**

The request is to add a bathroom by enclosing an existing porch. The applicant previously received ZBA approval on May 21, 2007, to legalize a 19'10" by 11' patio that had been enclosed, case #ZBA07-00058.

**CALCULATIONS**

Permitted square feet encroachment = 347.40 sq. ft. (30' [90' lot width ÷3] x 11.58' [3/5 of 19.3'])

Requested square feet encroachment = 39 sq. ft. (13' x 3')

Total square feet of encroachment = 96 sq. ft. (39 sq. ft. + 57 sq. ft. [19' x 3', previous square feet of encroachment])

Required front and rear yard cumulative setback = 45'

Required rear yard setback = 19.3'

Requested rear yard setback = 16'

**STAFF RECOMMENDATION**

Staff recommendation is approval of the request as it meets the requirements of the Special Exception C.

The Zoning Board of Adjustment is empowered under Section 2.16.050 C to:

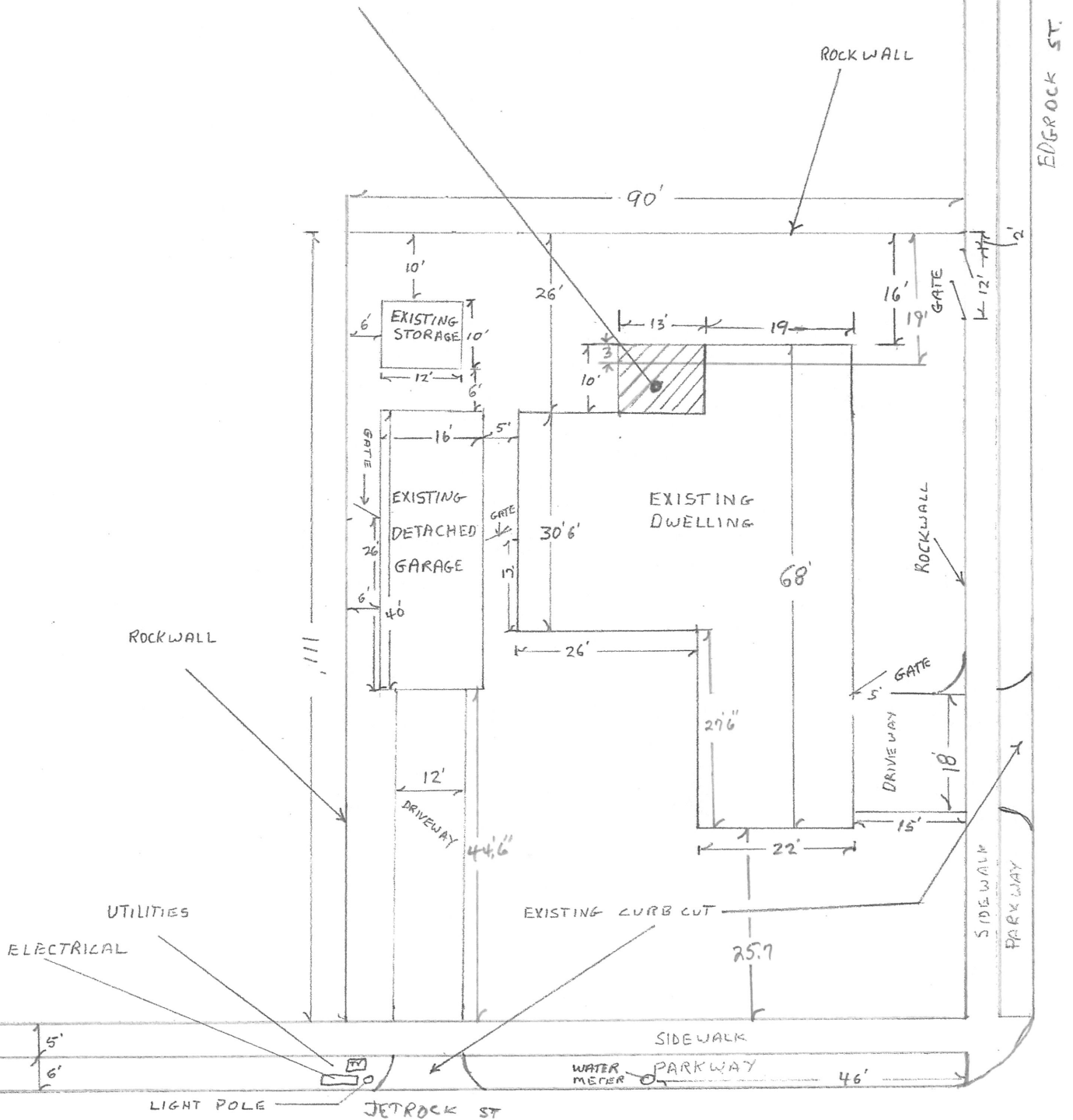
Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line; provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;
3. A minimum ten foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and,
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.

WILLIAM MURRAY  
10629 JETROCK  
23 PEBBLE HILLS  
LOT 9  
BLOCK 23



PROPOSED NEW  
BATH ROOM



JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

R. ALAN SHUBERT, P.E., CBO  
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP  
DEPUTY DIRECTOR, PLANNING



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
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MELINA CASTRO, DISTRICT 4  
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EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION  
ZONING BOARD OF ADJUSTMENT  
FORMAL DECISION  
May 21, 2007

William B. Murray  
10629 Jetrock Drive  
Legal Description: Lot 9, Block 23, Pebble Hills

**Case #ZBA07-00058:** A Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-4 zone of the City of El Paso Zoning Ordinance. This would permit the existing 19'10" by 11' enclosed patio located to within 14' of the rear property line. A rear yard setback of 25' is required in an R-4 zone.

The Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice, heard the above described request for relief from provisions of the Zoning Ordinance at an Open Public Meeting on May 21, 2007. After due consideration of the facts presented, the Board **GRANTED** the Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-4 zone of the City of El Paso Zoning Ordinance.

The Board determined that this request **QUALIFIED** under the criteria of Section 2.16.050 G of the ordinance for the following reasons:

- The total of the extensions granted do not project into the required rear yard for a depth in excess of three-fifths of the required yard.
- The total width of the extensions granted do not exceed one-third of the average width of the lot.
- The minimum side and side street yards have not been reduced.
- The total floor area of all detached structures existing or later constructed on the site shall not exceed 120 sq. ft.
- All remaining areas of the rear yard are permanent open space.
- The extension does not permit an additional dwelling unit or over-intensive use or coverage of the site.
- The exception is in harmony with the spirit and purposes of Titles 2 and 20.
- The public convenience and welfare will be substantially served and the use of neighboring property will not be substantially injured.

Filed for permanent record the 21st day of May 2007, in the office of the Zoning Board of Adjustment.

Roberto R. Peña  
Zoning Board of Adjustment Secretary

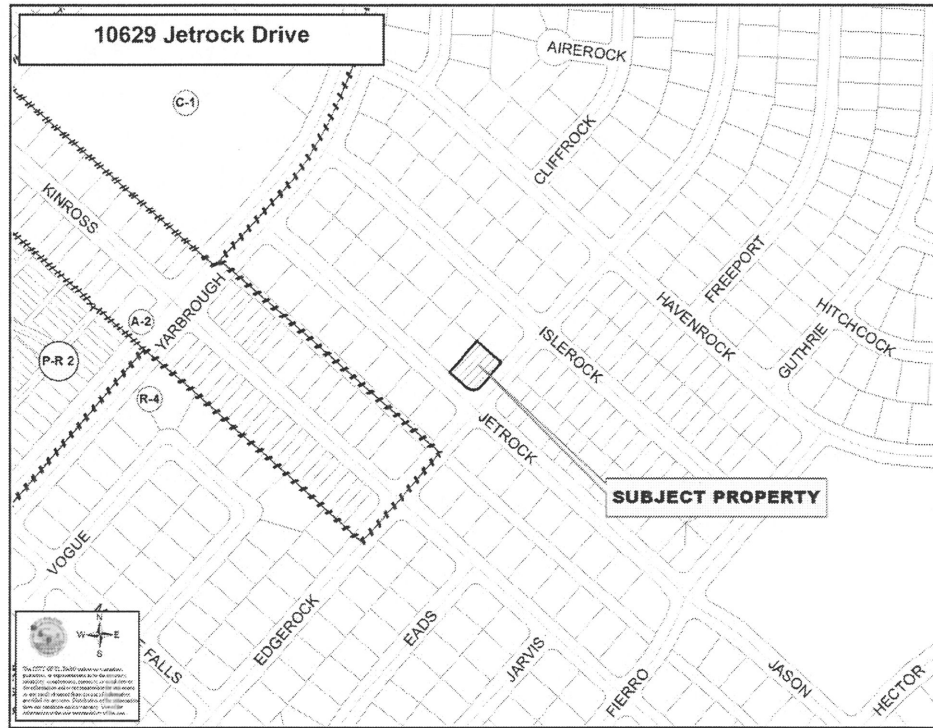
**PLEASE NOTE:** Any privilege granted by this decision must be exercised within **12 Months** of the date of this decision after obtaining the necessary building permits for the proposed construction at the Development Services Department – Building Permits and Inspection Division.

Inspections will be made by the Building Permits and Inspections Division of the Development Services Department, and compliance with Board action will be noted in official Board records. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

The decision of the Zoning Board of Adjustment may be appealed by a person aggrieved by this decision or by any officer, department, board, or bureau of the municipality by filing an action with the District Court for this county within **10 Days** after the date of the hearing.

cc: Joel Guzman, Chief Plans Examiner, Building Permits and Inspections Division  
Environnemental Services  
File

## ZONING MAP



## NOTIFICATION MAP

